

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

FRED SEVART,)	
)	
Plaintiff,)	
)	
vs.)	
)	Case No. 4:14-CV-00909-FJG
)	
ASPLUNDH TREE EXPERT CO., et al.,)	
)	
Defendants.)	
)	
)	

ORDER

Currently pending before the Court is defendant Joe Coe's Motion for Partial Dismissal (Doc. #6).

Plaintiff Fred Sevart filed an action against Defendant Asplundh Tree Expert Co. ("Asplundh") and Joe Coe asserting retaliation in violation of Missouri public policy against Asplundh (Count I); discriminatory discharge based on race in violation of Title VII and Section 1981 against both Asplundh and Coe (Count II) and a claim of racial harassment in violation of Title VII and Section 1981 against both Asplundh and Coe (Count III). Defendant Coe states that plaintiff's Complaint fails to state a claim for relief against him under Title VII, because Title VII only permits claims to be asserted against "employers." Coe states that numerous courts have concluded that Title VII is limited to "employers" and does not extend to individual supervisors or employees. See Ebersole v. Novo Nordisk, Inc., No. 1:11CV25SNLJ, 2011 WL 6115655, *1(E.D.Mo. Dec. 8, 2011)("It is well-settled in the Eighth Circuit that individuals are not subject to individual liability under Title VII of the Civil Rights Act of 1964. . . .");Abduljabbar v. Minnesota

Dept. of Transportation, No. Civ. No. 14-3583(ADM/JSM), 2014 WL 7476513, *3

(D.Minn. Nov. 5, 2014)(same). Thus, Coe states that the claims asserted against him in Counts II and III must be dismissed.

In response, plaintiff states that he clarifies that his race discrimination claims under Title VII are asserted only against Asplundh Tree Expert Co. and plaintiff is not asserting Title VII claims against defendant Coe. Plaintiff states that if the Court believes it appropriate, he will file an Amended Complaint clarifying the allegations against each defendant.

Accordingly, for good cause shown and with no opposition indicated, the Court hereby **GRANTS** defendant Coe's Motion for Partial Dismissal (Doc. # 6). In order to ensure that there is no confusion, the Court directs plaintiff to file an Amended Complaint clarifying his allegations against each defendant. Plaintiff shall file his Amended Complaint on or before **February 17, 2015**.

Date: February 6, 2015
Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
United States District Judge